

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BENJAMIN AYALA,

Plaintiff,

v.

No. 1:22-cv-00979-MIS-KK

STATE OF NEW MEXICO,
UNITED STATES OF AMERICA,
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,
STATE OF TEXAS, et al.

Defendants.

ORDER DENYING MOTIONS

Plaintiff, who is proceeding *pro se*, filed suit alleging civil rights violations by the United States, the Department of Homeland Security, and the States of New Mexico and Texas. *See* Complaint, Doc. 1, filed December 28, 2022; Amended Complaint, Doc. 8, filed January 10, 2023.

The Court dismissed this action without prejudice for lack of subject-matter jurisdiction. *See* Doc. 11, filed January 26, 2023. On February 7, 2023, Plaintiff filed a Notice of Appeal. *See* Doc. 13. The Court of Appeals for the Tenth Circuit affirmed the Court's dismissal of this action on May 11, 2023, and denied Plaintiff's petition for rehearing on May 23, 2023. *See Ayala v. New Mexico*, No. 23-2013 (10th Cir.). Plaintiff subsequently filed four Motions which are now before the Court.

Four days after filing his Notice of Appeal, Plaintiff filed a Motion to Expedite the Appeal. *See* Doc. 18, filed February 2023. A little over a month later, Plaintiff filed a Motion for Extension of Time which is identical to a motion for extension of time that he filed with, and which was granted by, the Tenth Circuit. *See* Doc. 21, filed March 27, 2023. One month after the Tenth

Circuit affirmed this Court's dismissal of this action, and three weeks after the Tenth Circuit denied Plaintiff's petition for rehearing, Plaintiff filed a Motion to Complete the Appeal Process. *See* Doc. 22, filed June 12, 2023. Plaintiff also filed a Motion for a Diplomatic Passport. *See* Doc. 19, filed February 13, 2023. The Court denies Plaintiff's Motions because Plaintiff has not cited any legal authority showing the Court has jurisdiction or is otherwise authorized to grant the relief requested in the Motions. *See* D.N.M.LR-Civ. 7.3(a) ("A motion . . . must cite authority in support of the legal positions advanced").

IT IS ORDERED that the following Motions are **DENIED**:

- (i) Plaintiff's Motion to Expedite the Appeal, Doc. 18, filed February 13, 2023.
- (ii) Plaintiff's Motion for a Diplomatic Passport, Doc. 19, filed February 13, 2023.
- (iii) Plaintiff's Motion for Extension of Time, Doc. 21, filed March 27, 2023.
- (iv) Plaintiff's Motion to Complete the Appeal Process, Doc. 22, filed June 12, 2023.

A handwritten signature in black ink, reading "Margaret Strickland", written over a horizontal line.

MARGARET STRICKLAND
UNITED STATES DISTRICT JUDGE